

ASSEMBLY BILL

No. 859

Introduced by Assembly Member Bass

February 18, 2005

An act to amend Section 2069 of the Business and Professions Code, relating to medical assistants.

LEGISLATIVE COUNSEL'S DIGEST

AB 859, as introduced, Bass. Medical assistants: authorized activities.

Existing law, the Medical Practice Act, prohibits, subject to specified exceptions, the practice of medicine without a physician and surgeon's certificate issued by the Medical Board of California. Under the act, a medical assistant, as defined, is authorized to perform specified treatment activities under designated conditions.

This bill would make nonsubstantive changes to the provision authorizing a medical assistant to perform these activities.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2069 of the Business and Professions
- 2 Code is amended to read:
- 3 2069. (a) (1) Notwithstanding any other provision of law, a
- 4 medical assistant may administer medication only by
- 5 intradermal, subcutaneous, or intramuscular injections and
- 6 perform skin tests and additional technical supportive services
- 7 upon the specific authorization and supervision of a licensed
- 8 physician and surgeon or a licensed podiatrist. A medical

1 assistant may also perform all these tasks and services in a clinic
2 licensed pursuant to subdivision (a) of Section 1204 of the Health
3 and Safety Code upon the specific authorization of a physician
4 assistant, a nurse practitioner, or a nurse-midwife.

5 (2) The supervising physician and surgeon at a clinic
6 described in paragraph (1) may, at his or her discretion, in
7 consultation with the nurse practitioner, nurse-midwife, or
8 physician assistant provide written instructions to be followed by
9 a medical assistant in the performance of tasks or supportive
10 services. These written instructions may provide that the
11 supervisory function for the medical assistant for these tasks or
12 supportive services may be delegated to the nurse practitioner,
13 nurse-midwife, or physician assistant within the standardized
14 procedures or protocol, and that tasks may be performed when
15 the supervising physician and surgeon is not onsite, ~~so long as if~~
16 *both of the following apply:*

17 (A) The nurse practitioner or nurse-midwife is functioning
18 pursuant to standardized procedures, as defined by Section 2725,
19 or protocol. The standardized procedures or protocol shall be
20 developed and approved by the supervising physician and
21 surgeon, the nurse practitioner or nurse-midwife, and the facility
22 administrator or his or her designee.

23 (B) The physician assistant is functioning pursuant to
24 regulated services ~~defined as described~~ in Section 3502 and is
25 approved to do so by the supervising physician or surgeon.

26 (b) ~~As used in this~~ *The following definitions shall apply for*
27 *purposes of this section and Sections 2070 and 2071, the*
28 ~~following definitions shall apply:~~

29 (1) "Medical assistant" means a person who may be
30 unlicensed, who performs basic administrative, clerical, and
31 technical supportive services in compliance with this section and
32 Section 2070 for a licensed physician and surgeon or a licensed
33 podiatrist, or group thereof, for a medical or podiatry
34 corporation, for a physician assistant, a nurse practitioner, or a
35 nurse-midwife as provided in subdivision (a), or for a health care
36 service plan, who is at least 18 years of age, and who has had at
37 least the minimum amount of hours of appropriate training
38 pursuant to standards established by the Division of Licensing.
39 The medical assistant shall be issued a certificate by the training
40 institution or instructor indicating satisfactory completion of the

1 required training. A copy of the certificate shall be retained as a
2 record by each employer of the medical assistant.

3 (2) "Specific authorization" means a specific written order
4 prepared by the supervising physician and surgeon or the
5 supervising podiatrist, or the physician assistant, the nurse
6 practitioner, or the nurse-midwife as provided in subdivision (a),
7 authorizing the procedures to be performed on a patient, which
8 shall be placed in the patient's medical record, or a standing
9 order prepared by the supervising physician and surgeon or the
10 supervising podiatrist, or the physician assistant, the nurse
11 practitioner, or the nurse-midwife as provided in subdivision (a),
12 authorizing the procedures to be performed, the duration of
13 which shall be consistent with accepted medical practice. A
14 notation of the standing order shall be placed on the patient's
15 medical record.

16 (3) "Supervision" means the supervision of procedures
17 authorized by this section by the following practitioners, within
18 the scope of their respective practices, who shall be physically
19 present in the treatment facility during the performance of those
20 procedures:

21 (A) A licensed physician and surgeon.

22 (B) A licensed podiatrist.

23 (C) A physician assistant, nurse practitioner, or nurse-midwife
24 as provided in subdivision (a).

25 (4) "Technical supportive services" means simple routine
26 medical tasks and procedures that may be safely performed by a
27 medical assistant who has limited training and who functions
28 under the supervision of a licensed physician and surgeon or a
29 licensed podiatrist, or a physician assistant, a nurse practitioner,
30 or a nurse-midwife as provided in subdivision (a).

31 (c) Nothing in this section shall be construed as authorizing
32 the licensure of medical assistants. Nothing in this section shall
33 be construed as authorizing the administration of local anesthetic
34 agents by a medical assistant. Nothing in this section shall be
35 construed as authorizing the division to adopt any regulations
36 that violate the prohibitions on diagnosis or treatment in Section
37 2052.

38 (d) Notwithstanding any other provision of law, a medical
39 assistant may not be employed for inpatient care in a licensed

1 general acute care hospital as defined in subdivision (a) of
2 Section 1250 of the Health and Safety Code.
3 (e) Nothing in this section shall be construed as authorizing a
4 medical assistant to perform any clinical laboratory test or
5 examination for which he or she is not authorized by Chapter 3
6 (commencing with Section ~~1206.5~~ 1200). Nothing in this section
7 shall be construed as authorizing a nurse practitioner,
8 nurse-midwife, or physician assistant to be a laboratory director
9 of a clinical laboratory, as those terms are defined in paragraph
10 (7) of subdivision (a) of Section 1206 and subdivision (a) of
11 Section 1209.

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